

(b) A laboratory may appeal the removal or proposed removal from the Accredited Laboratory List to the Director by submitting a statement of reasons why the laboratory should remain on the list. NIST may, at its discretion, hold in abeyance a removal action pending a final decision by the Director. The Director shall inform the laboratory in writing of the decision within sixty days following receipt of the appeal.

§ 280.104 Accreditation of certain manufacturing facilities as laboratories.

(a) Subject to the limitations contained in paragraphs (b), (c), and (d) of this section, registration of a fastener manufacturing facility employing a fastener quality assurance system shall be deemed to meet the requirements of accreditation of a laboratory for purposes of the Act and this part. The independent third-party Registrar registering such facility under this section shall comply with all procedures set forth in subparts I through L of this part. Records documenting the inspection and testing of a lot of fasteners performed by such an accredited laboratory shall be maintained by the facility in accordance with the requirements of §§ 280.6, 280.808, and 280.809 of this part.

(b) In any instance where a Facility accomplishes any in-process inspection and testing by performing laboratory tests on a sample of fasteners at any stage in the manufacturing process, those tests must be conducted by a laboratory on the Accredited Laboratory List. Such a laboratory may be located on the same premises as a fastener manufacturing facility if the laboratory is separately accredited pursuant to a provision of this part other than § 280.104(a).

(c) Any laboratory tests performed outside the Facility's in-process inspection and testing must be conducted by a laboratory on the Accredited Laboratory List.

(d) Chemical and raw material testing must be performed by a laboratory on the Accredited Laboratory List.

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Subpart C—NIST Fastener Laboratory Accreditation Procedures

§ 280.200 Introduction.

This subpart sets out the procedures and technical requirements of the NVLAP Fasteners Testing Program ("the Program") for the accreditation of laboratories that test fasteners. Laboratories which are granted accreditation under this program for certain tests will be eligible to provide testing services and test reports required by the Fastener Quality Act for those tests. Accreditation may be granted to any laboratory (including: Commercial; manufacturers'; university; and laboratories located in foreign countries) that demonstrates competence to provide services according to the criteria specified in this subpart. It is up to the laboratory to select the areas and specific tests within each area for its proposed scope of accreditation. A laboratory may be accredited to test and/or measure fasteners in any one or more of the areas of chemical, dimensional, nondestructive, mechanical and physical, or metallography testing. Laboratories located outside of the U.S. must meet certain additional requirements including: Additional fees for travel outside the U.S. and provision of a language translator.

§ 280.201 Applicability of part 285, title 15, Code of Federal Regulations.

As permitted by section 6 of the Act, and for the purposes of that Act only, the provisions of part 285, title 15 of the Code of Federal Regulations are superseded by the procedures and requirements set forth in this Subpart. The provisions of part 285, title 15 of the Code of Federal Regulations remain in effect except as they pertain to laboratory accreditation actions required by the Act.

§ 280.202 Establishment of the Program.

(a) NVLAP shall develop the technical requirements for the Program based on expert advice.

(b) As a means of assuring effective and meaningful cooperation, input, and participation by those federal agencies that may have an interest in and may be affected by the Program, NVLAP